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CHPA Comments on Michigan H.B. 4814

Members of the House Committee on Commerce:

Thank you for this opportunity to comment on H.B. 4814 on behalf of the Consumer Healthcare Products Association (CHPA). CHPA is the 128-year-old trade association representing the major manufacturers of over-the-counter (OTC) medicines. H.B. 4814 would require oral hygiene products to include additional labeling indicating the country of origin of the products. We oppose this legislation because the safety of OTC medicines, including many oral health products, is highly regulated by the federal government.

A country of origin labeling requirement does nothing to improve the safety of products. CHPA member companies place a high premium on adherence to federal regulations mandating Good Manufacturing Practices (also known as "GMPs") for all of their products. CHPA is already working with members of Congress on legislation to address concerns about the safety of drug ingredients manufactured outside the United States. State-by-state labeling requirements are unnecessary for ensuring the safety of OTC medicines.

Medicines and their packaging are highly regulated by the U.S. Food and Drug Administration to ensure safety and effectiveness of the products. The Federal Food, Drug, and Cosmetic Act (FDCA) preempts state and local laws mandating drug labeling that is different from labeling prescribed by federal regulation. Congress has recognized that state and local requirements that differ from federal requirements would confuse consumers, raise prices, undermine public confidence in our regulatory system and in products important to the public health, and result in divergent public health protection throughout the country.

This labeling requirement may confuse Michigan consumers by adding unnecessary information on labels and possibly leading to multiple labels for the same products. For example, if a medicine had two active pharmaceutical ingredients, each of which underwent processing in two countries, and the finished product was completed in another country, it would carry five countries on the label. In addition, each time a manufacturer changed the country of origin for just one ingredient it would have to scrap its existing stock of labels and create new ones, adding significant cost and delay. In short, a country of origin labeling requirement would add substantial layers of complexity and cost without any return on product safety.

Should H.B. 4814 take effect, consumers purchasing OTC products in Michigan would receive different information regarding oral health products than consumers in neighboring states. Because we want to ensure that consumers receive consistent, accurate information about OTC medicines, CHPA respectfully opposes the oral health product labeling provision included in H.B.4814.

Respectfully submitted by Ashlen Anderson, Manager, State Government Relations

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